

Attorney's Docket No. 628-318CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: David McCray Peele  
Serial No.: 09/735,177  
Filed: December 12, 2000  
For: TOBACCO PROCESSING

Group Art Unit: 1731  
Examiner: Walls

Date: August 20, 2002

Commissioner for Patents  
Washington, DC 20231

**RESPONSE A**

Dear Sirs:

This Amendment is responsive to the Office Action of February 22, 2002.

In the Claims:

Please add new Claim 58.

58. (New) The method of Claims 14, 15, 16, 17, 18, 19, 20 or 21 wherein the step of producing heated air and nitric oxide gas comprises the act of burning a propane fuel in the heat exchange unit.

**REMARKS**

Claims 1-58 are pending.

Restriction to one of the following inventions has been required under 35 U.S.C. § 121:

Invention I: Claims 1-7, drawn to a method for modifying a tobacco curing barn classified in class 131, subclass 299; or

Invention II: Claims 8-13, drawn to a method for curing tobacco classified in class 131, subclass 299.

Applicant had elected, with traverse, Group I (Claims 1-7) for further prosecution. The Applicant respectfully continues to traverse the Restriction Requirement.

There is a technical relationship existing between Groups I and II that involves the same special technical features, namely the curing of tobacco using a modified curing barn. It is this technical feature that defines the contribution, with each of the groups,

**MYERS BIGEL SIBLEY & SAJOVEC**

Patent Attorneys

111 Corning Road, Suite 250

Cary, North Carolina 27511

or

P.O. Box 37428

Raleigh, North Carolina 27627

Tel: (919) 854-1400

Fax: (919) 854-1401

**TELECOPIER TRANSMISSION COVER SHEET****DATE: August 20, 2002****OUR FILE NO.: 628-318CT****APPLICATION NO: 09/735,177****FACSIMILE: (703) 872-9795****TELEPHONE: (703) 305-0933****TO: Examiner Dionne A. Walls  
Group Art Unit 1731  
United States Patent and Trademark Office****FROM: F. Michael Sajovec, Esq.****Return Fax to: Clara****NO OF PAGES (including cover page): 3**

If there is a problem with this transmission,  
please call Administrative Services at (919) 854-1372.

\*\*\*\*\*

**Comments and/or Special Instructions:**

**Please see attached copy of Amendment filed today, August 20, 2002, with the United States Patent and Trademark Office in response to the February 22, 2002 Office Action. I will call to discuss.**

**Best regards.****CONFIDENTIALITY**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS TELECOPY IS STRICTLY PROHIBITED. PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE. THANK YOU